

107TH CONGRESS  
2D SESSION

# S. 2745

To provide for the exchange of certain lands in Utah.

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## IN THE SENATE OF THE UNITED STATES

JULY 17, 2002

Mr. BENNETT (for himself and Mr. HATCH) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To provide for the exchange of certain lands in Utah.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal-Utah State  
5       Trust Lands Consolidation Act”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds the following:

8               (1) The San Rafael Swell in Utah is a 900-  
9       square mile, wild and beautiful region west of the  
10      Green River. The San Rafael Swell is dominated by  
11      the jagged, uplifted San Rafael Reef, which has

1 nearly two dozen major canyons and many side  
 2 draws and box canyons. The San Rafael Swell tow-  
 3 ers above the desert like a wilderness castle, ringed  
 4 by 1,000-foot ramparts of Navajo sandstone. Its  
 5 highlands have been fractured by uplift and scooped  
 6 hollow by erosion over countless millennia, leaving a  
 7 tremendous basin punctuated by mesas, buttes, and  
 8 canyons and traversed by sediment-laden desert  
 9 streams.

10 (2) The San Rafael Swell region was one of the  
 11 country's last frontiers and possesses important nat-  
 12 ural, historical, and cultural resources, including ex-  
 13 ceptional backcountry recreation opportunities, pro-  
 14 ductive habitat for Desert Bighorn Sheep, important  
 15 historical sites, including sections of the Old Spanish  
 16 Trail and the Outlaw Trail, significant paleontolog-  
 17 ical resources, and multiple wilderness study areas  
 18 created pursuant to section 603 of the Federal  
 19 Lands Policy and Management Act of 1976, or oth-  
 20 erwise identified by local government and conserva-  
 21 tion interests as having significant conservation val-  
 22 ues. The beautiful rural landscapes, historic and cul-  
 23 tural landscapes, and spectacular scenic vistas of the  
 24 San Rafael Swell region contain significant undevel-

1       oped recreational opportunities for people through-  
2       out the United States.

3           (3) The State of Utah owns approximately  
4       102,871 acres of land located in the San Rafael  
5       Swell region and administered by the Utah School  
6       and Institutional Trust Lands Administration.  
7       These lands were granted by the Congress to the  
8       State of Utah pursuant to the Utah Enabling Act of  
9       1894 (chapter 138; 23 Stat. 107), to be held in  
10      trust for the benefit of the State's public school sys-  
11      tem and other public institutions. The lands are  
12      largely scattered in checkerboard fashion amidst the  
13      Federal lands comprising the remainder of the San  
14      Rafael Swell area.

15          (4) Development of surface and mineral re-  
16      sources on State trust lands within the San Rafael  
17      Swell area, or the sale of such lands into private  
18      ownership, could be incompatible with management  
19      of such lands for nonimpairment of their wilderness  
20      characteristics pursuant to section 603(c) of the  
21      Federal Land Policy and Management Act of 1976,  
22      with future congressional designation of the lands as  
23      wilderness, or with future designation of such lands  
24      as a national monument, national heritage area, or  
25      other conservation designation.

1           (5) The State of Utah also owns 3,533 acres of  
2           land within or directly adjacent to the Manti-La Sal  
3           National Forest in Grand and Emery Counties,  
4           Utah, and 6,411 acres of land within the Red Cliffs  
5           Desert Reserve, a conservation reserve established in  
6           1995 by the United States and Washington County,  
7           Utah, to implement a multiple-species habitat con-  
8           servation plan approved by the Fish and Wildlife  
9           Service under section 10(a) of the Endangered Spe-  
10          cies Act of 1973. The Reserve contains the highest  
11          density of critical habitat for the Mojave desert tor-  
12          toise, a threatened species, in the United States.  
13          These State trust lands are also administered by the  
14          Utah School and Institutional Trust Lands Adminis-  
15          tration, but the use of such lands by the State is  
16          limited because of the conservation designations of  
17          surrounding Federal lands.

18          (6) The United States owns lands and interests  
19          in lands elsewhere in Utah that can be transferred  
20          to the State of Utah in exchange for the San Rafael  
21          Swell inholdings, the Manti-La Sal forest lands, and  
22          the Red Cliffs Desert Reserve lands without jeopard-  
23          izing Federal management objectives or needs.

24          (7) The large presence of State trust land  
25          inholdings in the San Rafael Swell region, the

1 Manti-La Sal National Forest, and the Red Cliffs  
2 Desert Reserve makes land and resource manage-  
3 ment in these areas difficult, costly, and controver-  
4 sial for both the State of Utah and the United  
5 States.

6 (8) It is in the public interest to reach agree-  
7 ment on exchange of such inholdings, on terms fair  
8 to both the State of Utah and the United States.  
9 Such an agreement, subject to ratification by Con-  
10 gress and consent by the Utah legislature, would  
11 save much time and delay in meeting the legitimate  
12 expectations of the State school and institutional  
13 trusts, in simplifying management of Federal lands,  
14 and in avoiding the significant time and expense as-  
15 sociated with administrative land exchanges.

16 (9) The State of Utah and the United States  
17 have reached an agreement under which the State  
18 would exchange certain State trust lands within the  
19 San Rafael Swell region, the Manti-La Sal National  
20 Forest, and the Red Cliffs Desert Reserve for var-  
21 ious Federal lands outside of those areas but in the  
22 same region of Utah.

23 (10) The parties agreed at the outset of nego-  
24 tiations to avoid identifying Federal assets for con-  
25 veyance to the State where any of the following was

known to exist or likely to be an issue as a result of foreseeable future uses of the lands:

(A) Wilderness study areas.

(B) Areas proposed for wilderness designation in pending Federal legislation.

(C) Significant endangered species habitat.

(D) Significant archaeological resources.

(E) Areas of critical environmental concern.

(F) Other lands known to raise significant environmental concerns of any kind.

(11) Because the State trust lands to be acquired by the Federal Government include properties within some of the most spectacular wild areas in the western United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve longstanding environmental conflicts with respect to existing and proposed wilderness study areas, place important natural lands into public ownership, and further the interests of the State trust lands, the school children of Utah, and these conservation resources.

1           (12) Under this agreement, the State interests  
2           to be conveyed to the United States by the State of  
3           Utah, and the Federal interests to be conveyed to  
4           the State of Utah by the United States, have been  
5           examined by licensed independent real estate con-  
6           sultants and, taken as a whole, have been found to  
7           be approximately equal in value.

8           (b) PURPOSE.—The purpose of this Act is to enact  
9           into law and direct prompt implementation of this agree-  
10          ment, and thereby to further the public interest by consoli-  
11          dating State and Federal lands into manageable units  
12          while facilitating the protection of lands with significant  
13          scientific, cultural, and natural resources.

14   **SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BE-**  
15                           **TWEEN THE STATE OF UTAH AND THE**  
16                           **UNITED STATES.**

17          (a) AGREEMENT.—The State of Utah, the Depart-  
18          ment of the Interior, and the Department of Agriculture  
19          have agreed to exchange certain Federal lands in the State  
20          of Utah for lands of approximately equal value managed  
21          by the Utah School and Institutional Trust Lands Admin-  
22          istration in the San Rafael Swell area of Utah, the Manti-  
23          La Sal National Forest, and the Red Cliffs Desert Re-  
24          serve.

1       (b) RATIFICATION.—All terms, conditions, proce-  
 2       dures, covenants, reservations, and other provisions set  
 3       forth in the document entitled “Agreement for Exchange  
 4       of Lands 2002 Federal-Utah State Trust Lands Consoli-  
 5       dation”, dated June \_\_\_\_, 2002 (in this Act referred to  
 6       as “the Agreement”), are hereby incorporated in this Act,  
 7       are ratified and confirmed, and set forth the obligations  
 8       of the United States, the State of Utah, and the Utah  
 9       School and Institutional Trust Lands Administration, as  
 10      a matter of Federal law.

11   **SEC. 4. CONVEYANCES.**

12       (a) CONVEYANCES.—All conveyances under sections  
 13       2, 3, and 4 of the Agreement shall be completed not later  
 14       than 70 days after enactment of this Act.

15       (b) MAPS AND LEGAL DESCRIPTIONS.—

16           (1) IN GENERAL.—The maps and legal descrip-  
 17       tions referred to in the Agreement depict the lands  
 18       subject to the conveyances under the Agreement.

19           (2) PUBLIC AVAILABILITY.—The maps and  
 20       legal descriptions referred to in the Agreement shall  
 21       be on file and available for public inspection in the  
 22       offices of the Secretary of the Interior, the Secretary  
 23       of Agriculture, the Intermountain Regional Office of  
 24       the Forest Service, and the Utah State Director of  
 25       the Bureau of Land Management.



1           (3) CONFLICT.—In case of any conflict between  
2           the maps and the legal descriptions in the Agree-  
3           ment, the legal descriptions shall control.

4   **SEC. 5. MINERAL DEVELOPMENT.**

5           All payments received by the United States pursuant  
6   to section 13(c) of the Agreement shall be subject to shar-  
7   ing with the State of Utah in the same manner the United  
8   States shares bonus bids, rentals, and royalties with the  
9   State of Utah under section 35 of the Mineral Leasing  
10  Act (30 U.S.C. 191).

11  **SEC. 6. AUTHORIZATION.**

12          There are authorized to be appropriated such sums  
13  as are necessary to carry out this Act, including such sums  
14  as may be desired to reduce the balance of the interest  
15  and principal amounts owed by the United States to the  
16  Trust Lands Administration pursuant to sections 4 and  
17  5 of the Agreement.

18  **SEC. 7. COSTS.**

19          The United States and the State of Utah shall each  
20  bear its own respective costs incurred in the implementa-  
21  tion of this Act.

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